Excerpt: Dreams, Plans, and Reality page 16

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PBot inside

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Potshots

When honey changes pots, fingers get licked.
CHINESE PROVERB

Democracy is the theory that the people know what they want and deserve to get it, good and hard.
H.L. MENCKEN

On September 11, the word 'evil' returned to the vocabulary of a generation that thought it was unnecessary.
TERRY TEACHOUT

We hear a lot about speaking truth to power. I want to hear more about power speaking truth. The powerful institutions of society aren't telling us the truth.
GLEAVES WHITNEY

Electing even a few Libertarians to a governing board is akin to having a designated driver in a roomful of drunks.
DOUG KIPPEL

Price is what you pay. Value is what you get.
WARREN BUFFETT

Congressional Virus: Computer locks up, screen splits radically with a message appearing on each half blaming the other side for the problem. Also, runs every program on your hard drive simultaneously, without allowing you to get anything done.

Common-Sense Environmentalism

By Joseph Bast

Between the eco-catastrophists on the left and corporate apologists on the right are the rest of us.

We want a clean and safe environment, but we're not convinced we have to surrender our civil and economic liberties to achieve it. We want government to step in and protect water and air quality, but we don't necessarily trust government to always do the job well, and certainly not efficiently. We don't trust corporations, but we know we depend on them for jobs and the high standard of living we enjoy.

The title of this essay is "Common-Sense Environmentalism" because I believe you can be a good environmentalist without falling for every hyped-up "crisis of the month," and also without tolerating pollution or ignoring evidence of environmental and human health hazards. In other words, there is a common-sense environmentalism for those of us stuck in the middle that avoids the hype of the left and the denial of responsibility by the right and still makes sense.

NOT ON THE EVE OF DESTRUCTION

The first principle of Common-Sense Environmentalism is that we are not on the eve of destruction. Most people by now have heard that air, water, food, and working conditions in the United States have all become cleaner and safer over time, not more polluted or dangerous. Let's look at some numbers.

- Total air pollution emissions in the U.S. fell 34 percent between 1970 and 1990, and today are lower than they were in 1940, some 62 years ago. During the 1990s, the number of "bad air" days—when air quality falls below federal air quality standards—fell 76 percent in Boston, 78 percent in Chicago, 54 percent in Los Angeles, and 88 percent in San Diego.
- Water quality—measured by miles of rivers and percentage of lakes that are drinkable and swimmable—is up around the country, and in some cases dramatically so. Sports fishing has returned to all five of the Great Lakes; the number of fishing advisories has fallen; and a debate has started concerning the scientific basis of many of the remaining advisories.
- The average annual wood growth in the U.S. today is an amazing three times what it was in 1920. Wildlife populations are recovering, with populations of bald eagles, alligators, white-tailed deer, big horn sheep, elk, and wild turkeys all booming.

If you value clean air, clean water, and wilderness, you've got good reasons to celebrate. But what about global warming, ozone depletion, or

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News from the Heartland

by Diane Carol Bast
Editor

The goal of The Heartland Institute is to help elected officials replace laws that limit individual freedom with policies that respect and expand individual rights and autonomy.

To do this, we send every state and national elected official in the country three monthly publications (*School Reform News, Environment & Climate News,* and *Health Care News*) and a bimonthly magazine (*Intellectual Ammunition*). Surveys show nearly 9 out of 10 state elected officials recognize The Heartland Institute and 60 percent say we are a valuable resource.

LEGISLATIVE ADVISORY BOARD

How many elected officials respect The Heartland Institute enough to agree to recommend us to their colleagues and help us select topics to address? That number is 242 now, and rising.

Seventy-five state legislators joined Heartland's legislative advisory panel since mid-July, most of them signing up at the annual meetings of the National Conference of State Legislatures and American Legislative Exchange Council.

The membership of Heartland's Legislative Advisory Board cuts across geographical and party lines. The Board:

- has at least one representative from each of the 50 states;
- has 164 Republicans, 66 Democrats, three Independents, and nine whose political affiliations are not known;
- includes two U.S. Congressmen, one sitting Governor, 165 State Delegates/Representatives/Assemblymembers, 66 State Senators, one State Auditor, one State Treasurer, and six staffers and local government officials.

A directory of Heartland Legislative Advisors begins on page 20. If you are an elected official whose name does not appear on that list, please use the form on page 4 to join, or contact Heartland Public Affairs Director Greg Lackner at 312/377-4000, email **lackner@heartland.org**.

CHICAGO IN OCTOBER: CELEBRATE!

The Heartland Institute has been working for more freedom and less government since 1984, when it was started by a small group of businessmen in Chicago. Today it is a national organization with an annual budget of $2 million and 1,600 supporters in 49 states (we don't seem to have a current donor in Rhode Island!).

Once a year we gather to meet others who share our passion for liberty, to celebrate our successes and rededicate ourselves to our mission.

This year's event—The Heartland Institute's **18th Anniversary Benefit Dinner**—is scheduled for **Wednesday, October 23**, at the Chicago Hilton & Towers Hotel. Nationally syndicated columnist Paul Craig Roberts, parental choice advocate Dr. Howard L. Fuller, and Nobel Prize winning-economist Gary Becker are the event's featured speakers. M. Stanton Evans, director of the National Journalism Center and author of *The Theme Is Freedom*, will serve as master of ceremonies.

If you are a state elected official, we'd be honored to have you and a guest attend the gala event ... ***as our guests!*** For more information, visit Heartland's Web site at **www.heartland.org**, or contact Public Affairs Director Greg Lackner. If you are able to join us, please register in advance so we can be sure to give you and your guest the attention you deserve.

We sincerely hope to see you there!

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President: Joseph L. Bast ❖ **Publisher:** Nikki Saret ❖ **Editor:** Diane Carol Bast

Art Director: Kevin M. Fitzgerald ❖ **Graphic Design:** Jennifer Beranek

Contributing Editors: Editor Diane Carol Bast dbast@heartland.org; **Education** George A. Clowes clowes@heartland.org; **Environment** Jane Shaw shaw@perc.org; **Health Care** Twila Brase twila@cchc-mn.org; **Law** John Kramer jkramer@instituteforjustice.org; **Privatization** Lynne Kiesling lynnek@rppi.org; **Regulation** Susan E. Dudley sdudley@gmu.edu; **Taxes** Bill Ahern ahern@taxfoundation.org; **Technology** Bartlett D. Cleland bcleland@ipi.org; **Welfare** Michael B. Barkey mbarkey@compassionateconservative.cc

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continued from page 1

cancer-causing chemicals in our food and water? In each case, there is compelling evidence that what you read in fundraising letters from environmental groups and the page-one horror stories in daily newspapers is simply wrong.

- NASA's own satellites do not show a pattern of global warming during the past two decades. A large and growing number of scientists believe the models used to predict global warming are unreliable.
- The amount of ozone depletion that might be caused by man-made chemicals is a tiny fraction of the day-to-day and season-to-season flux in ozone levels that occurs naturally. So small are the possible effects of ozone depletion that it is hardly conceivable we will ever be able to measure them.
- Former Surgeon General C. Everett Koop said "consumer advocates, however well intentioned, continue to tell us that dangerous, cancer-causing pesticides are present in our food and that we and our children are at extreme risk. This is simply not true. There is no food safety crisis."

Heavy-handed, top-down government regulation is not likely to be effective at solving environment problems in the twenty-first century. We need a new approach, one that recognizes the problems have changed.

ENVIRONMENTALISTS MUST CHANGE

Many of the most obvious and easiest-to-control sources of pollution have now been dealt with. Factories account for a very small and declining share of air and water pollution, for example. The pollution that remains is usually from diverse and often difficult-to-find sources of pollution.

Heavy-handed, top-down government regulation is not likely to be effective at solving environment problems in the twenty-first century. We need a new approach, one that recognizes the problems have changed. Old approaches such as "zero tolerance" don't make sense when new technology allows us to measure the presence of chemicals in parts per *trillion*.

First, we have to **leave behind the scare tactics** and emotional appeals that dominate the environmental movement today. Most environmentalists rely on fundraising letters from groups such as the Sierra Club and Greenpeace for just about everything they think they know about protecting the environment. In truth, this "crisis of the month" approach is just a *direct mail scam* aimed at scaring people into making contributions.

Second, we need new ways to **tap the dispersed knowledge** individuals have about their local environment: their communities. There are enormous opportunities to improve environment protection simply by removing tax and regulatory barriers to innovation and local stewardship and ending subsidies to activities that are environmentally destructive.

Third, we need to **prioritize problems**, admitting some are more serious than others, and admitting also that we have limited time and resources to invest in environmental protection. We might as well get the most "bang for the buck" by addressing real, rather than imaginary, problems. That's all "cost-benefit analysis" means. It's a good idea.

PRIVATE SECTOR A RELIABLE ALLY

Radical environmental groups denounce the very idea of relying on the private sector to protect the environment, but it should be no more controversial than having a private company collect your garbage or repair potholes in your street.

Privatization—shifting goods and services out of the public sector and into the private sector—has spread to every corner of the globe. Nine out of ten municipalities in the U.S. now use private businesses to manage their parks or water treatment facilities or provide janitorial, accounting, or some other service. Over 90 percent report that contracting out saves them money, produces a higher quality of service, or both.

In the private sector, business owners have an equity stake in getting the job done on time and under budget. If they can find a way to reduce costs or produce a better service, they earn more money. If they don't, a smarter competitor will take business away from them. In the public sector, bureaucrats don't have an equity stake in their departments or agencies, and if they fail to keep costs under control, there is no competitor out there to which disappointed customers can switch.

Markets are able to tap the dispersed knowledge and incentives of individuals by **motivating** people to do the right thing. It is only common sense that it is easier to get someone to do something he wants to do, than it is to force someone to do what he doesn't want to do. The first way is the market's way; the second way is relying on government.

When the iron curtain fell in Eastern Europe, we witnessed environmental devastation on a previously unknown scale. The end of the Cold War helped demonstrate that government—even omnipotent government—does a poor job exercising stewardship over the environment when "everyone" owns the air, water, and wilderness areas.

Prosperity, private property rights, and freedom from an overly intrusive government need not be sacrificed to save the environment. We can have them all.

CONCLUSION

For people sincerely committed to the goals of a cleaner and safer environment, these are truly the best of times. The air we breathe, the water we drink, and the food we eat are all safer than at any previous time in our lives. Wilderness areas in the United States are expanding, wildlife is flourishing, and once-endangered species have been saved.

We now know that prosperity, private property rights, and freedom from an overly intrusive government, all values that we share, need not be sacrificed to save the environment. We can have them all, but it requires a new approach to environmentalism that relies more on science and less on hype.

FOR MORE INFORMATION...

visit the "Common-Sense Environmentalist" issue suite at www.heartland.org.

Joseph L. Bast is president of The Heartland Institute and coauthor of *Eco-Sanity: A Common-Sense Guide to Environmentalism* (Lanham, MD: Madison Books, 1994).

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Education

The Coming Death of Newspapers

Robert Holland

Robert Holland is a senior fellow at the Lexington Institute, a public policy think tank in Arlington, Virginia.
http://www.lexingtoninstitute.org

U.S. newspapers have a life-or-death interest in schoolchildren being taught how to read and becoming motivated to read regularly.

The trends are not encouraging—for literacy *or* for newspapers. National Assessment of Educational Progress reading scores for fourth-graders have not budged off dreadful over the past decade. Poor and minority children have fallen even further behind, despite a federal expenditure of $125 billion over 25 years that was supposed to narrow the gap.

Perhaps even more chilling was an analysis done by the Paris-based Organization for Economic Cooperation and Development (OECD).

Among 18 industrialized nations, OECD found, the United States ranked dead last in the literacy of 16- to 25-year-old high school graduates who did not go on to further study. Six in 10 of the high school graduates read below a level considered minimally necessary to cope with "the complex demands of modern life."

U.S. newspapers have a life-or-death interest in schoolchildren being taught how to read and becoming motivated to read regularly.

It hasn't always been that way. An OECD analyst noted that 30 years ago, the United States was the "undisputed leader" in educating its people. Now, it's the literacy laggard among developed nations.

Recent data on newspaper readership add further cause for concern.

DEAD IN TWO DECADES?

Writing for TechCentral Station, an online forum on technology and markets, economist Arnold Kling deemed the numbers so grim he predicted "the newspaper business is going to die within the next 20 years. Newspaper publishing will continue, but only as a philanthropic venture."

Kling's concern was triggered by data from the Newspaper Association of America (NAA), which calculated spending on newspapers by age group. The highest spending relative to the general population came from 65- to 74-year-olds, who spent 136 percent of the national average on newspaper subscriptions or single-copy purchases. The lowest spending on newspapers came from the 18- to 24-year-olds, who spent just 25 percent of the national average.

Of course, it's always been true that people begin to subscribe to newspapers more readily as they grow older. The meaningful comparison, therefore, is between newspaper reading by young persons today and in years past.

Peter Franchese, founder of *American Demographics Magazine*, has recently done just such a study. His findings: 63 percent of 25- to 34-year-olds bought newspapers in 1985. By 1995, that figure had fallen to 56 percent. By 2000, it had plummeted to 35 percent.

Stu Tolley, president of the research firm that crunched the numbers for the NAA, concluded, "the major change in newspaper reading is the drop in frequency of reading. It is not that great numbers of people have completely stopped reading the paper. They just read less often. It is the daily paper, not the Sunday, that has lost the most and it is the six dailies per week, not the Sunday paper, that bring in the most revenue."

Tolley says a straight-line projection indicates by the year 2078, at the latest, there would be an end to daily newspaper reading in the United States. However, that outcome is not inevitable. By doing a better job of discovering and providing what their occasional readers want, newspapers might stave off this trend.

WHY DON'T THEY READ?

Clearly the biggest challenge lies with the young population, where readership declines have been dramatic. Many analyses focus on why young people don't *want* to read.

An MTV Networks survey found 14- to 24-year-olds ranked music as their favorite topic to read about, but they perceived newspapers put music at the bottom of their priority lists and politics at the top. That raises an interesting policy question for newspapers' corporate boardrooms: Should newspaper executives bring their product to the MTV level in order to raise revenues?

The OECD data showing the decline of literacy among recent high school graduates in the U.S., and the NAEP data showing failures to teach reading in primary grades, suggest the problem goes far deeper than reading material preference. Many young people are leaving school or even graduating unable to read proficiently. That is a threat not only to the newspaper industry, but to the survival of America's democratic experiment.

Newspaper editorialists have been known to scoff at parents who demand schools return to such "pre-modern" basics as the use of phonics in beginning reading. Those columnists might want to reconsider whether they themselves are the real dinosaurs. After all, whose existence is imperiled by the asteroid named illiteracy?

FOR MORE INFORMATION...

Reading Is Anything But Natural. Reading researcher G. Reid Lyon, chief of the Child Development and Behavior Branch within the National Institute of Child Health and Human Development, says reading isn't taught well in schools because there is a tendency in education to develop teaching practices on the basis of *philosophy*, rather than *science*. (*School Reform News*, July 1999, 6pp.)

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Environment

Holly L. Fretwell

Holly L. Fretwell is a research associate of PERC—the Center for Free Market Environmentalism in Bozeman, Montana.
http://www.perc.org

How Environmental Groups Cause Forest Fires

It was another hot and dry summer out west, and destructive fires again leaped across vast stretches of our national forests.

Debate over the cause of fires heated up, too. Environmental advocacy groups blame too many people in the woods and poor logging practices in the past. Foresters blame environmental groups for holding up forest thinning through lengthy appeals.

In fact, no single factor caused the fires, but experts on all sides of the issue recognize that thinning of overly dense forests and prescribed burns are necessary solutions. That is what President George W. Bush proposed late in the summer, on location near the Biscuit blaze in southern Oregon.

Unfortunately, although they *say* they agree thinning is needed, many environmental organizations continue their opposition to any kind of logging, including thinning, as they have for years. Their appeals have played a deadly role in the buildup of fuel—and continue to do so.

> *To restore proper forest management, Forest Service officials must have the freedom to act responsibly. This will never happen, however, until environmental groups change their actions ... not just their rhetoric.*

GAO REPORT: NO BOMBSHELL THERE

This summer, the intensity of the fires led to criticism of environmentalists for their resistance to logging. But then the Center for Biological Diversity dropped a bombshell, reporting the General Accounting Office had exonerated environmentalists from responsibility. The GAO found that fewer than 1 percent of "hazardous fuels reductions projects" undertaken in 2001—only 20 of 1,671 total projects—had been slowed by appeals.

This looked like vindication for environmental activists. Numerous environmental organizations—among them the Center for Biological Diversity, Natural Resources Defense Council, Sierra Club, and Wilderness Society—flaunted the 1 percent figure. Newspapers quoted it as well.

What the environmental groups failed to mention was that each of the 1,671 projects reviewed by the GAO had been through the process of environmental assessment and appeals *before* the GAO began its examination. These were projects already approved, ready to go, and waiting for funding. One would expect none, or at least very few, of those projects to be appealed at that point—many may have been appealed already.

The GAO did not consider whether the projects had faced earlier litigation. The report explicitly states it examined projects "for which the Forest Service had completed the necessary environmental analyses." The report's author agreed the numbers were being misrepresented by the environmentalists. In fact, when the Forest Service examined *all* "mechanical treatments of hazardous fuels," it found a hefty 48 percent had been appealed over the past 18 months.

A DELAY TACTIC ONLY

Environmental organizations justify their appeals on the grounds that the Forest Service, egged on by business interests, is using thinning projects as a subterfuge for logging. Claiming to favor "thinning," the environmentalists argue the Forest Service is pushing through "logging" instead.

This is nonsense.

Thinning *is* logging; the issue is how big are the trees that are cut down. Should trees no more than 12 inches in diameter be cut down, or should logging include trees with a diameter of 24 inches? Environmentalists often seem to oppose any thinning that might earn money for the Forest Service—*that* they call logging!

Many environmental groups are using the appeals process to delay actions that would reduce fuel buildup. Time and again, the Sierra Club and Southwest Forest Alliance appealed an Arizona project that is desperately needed and supported by a consortium of federal, state, and local organizations. The Grand Canyon Forest Partnership, based in Flagstaff, Arizona, would cut only trees up to 16 inches in diameter. Sixty to 80 trees per acre would be left after thinning. But four years after the plan was developed, the area surrounding Flagstaff remains a tinderbox.

Similarly, a salvage sale to remove Engelman spruce killed by beetle infestation was held up in the Manti-la Sal National Forest in Utah in April. Also this year, ecosystem restoration was appealed on the Oachita National Forest in Arkansas.

Even Members of Congress have recognized that the environmentalists' appeals worsen wildfire risk. Majority Leader Tom Daschle (D-South Dakota) quietly slipped a legislative rider into an anti-terrorism appropriations bill, exempting some logging in the Black Hills National Forest from environmental regulations, appeals, and litigation. Other Western congressmen are attempting the same.

This congressional micro-management is a sign the Forest Service is dysfunctional. To restore proper forest management, Forest Service officials must have the freedom to act responsibly. This will never happen, however, until environmental groups change their actions ... not just their rhetoric.

FOR MORE INFORMATION...

Incentives, not fuels, are endangering forests. A look at the 2002 wildfire season suggests the billions of dollars Congress is spending on fire are mostly wasted ... and worse, this spending may have serious unintended consequences for the future of forest ecosystems. (*Environment & Climate News*, September 2002)

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Health Care

Twila Brase

Public health nurse Twila Brase is president of Citizens' Council on Health Care.
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Fat Politics

The battle over obesity is gaining girth, so to speak.

In the early 1990s—when the U.S. Department of Health and Human Services added weight loss to the national public health agenda—the battle of the bulge moved from isolated cubicles in government to the mainstream media.

Advocates for shaping up the public are now well-engaged, and increasingly well-armed with statistics. The cost of chubby children is $127 million a year, says the online journal *Pediatrics*. The Centers for Disease Control and Prevention (CDC) says 300,000 people die each year from preventable diseases related to inactivity.

DOLLAR SIGNS

Policymakers have billions of dollar signs in their eyes.

Cutting the cost of health care is their stated objective. But creating a new source of state revenue is a highly valued end product. As state budgets dwindle, purveyors of government-imposed solutions hope to require that producers of products and eaters of treats replenish tax coffers starved for revenue.

> *Advertising and the easy availability of empty calories do not cause obesity. For most people, being fat is a choice.*

A tax on soft drinks and snack foods could pay for obesity-prevention programs, says Kelly Brownell, Yale University psychologist and eating-behavior expert. California legislators agree. State Senator Deborah Ortiz filed SB 1520 to impose a new tax on distributors of soda and other sweetened beverages. Assemblywoman Wilma Chan introduced AB 2721, which would require California to study the feasibility of snack food taxes to pay for subsidized dental and health programs.

Health officials have also begun to acquire evidence on those who overeat and underplay. The recent CDC report on adult leisure time and physical activity is "the second in a series on adult health behaviors." The first was on alcohol. Future reports will provide information on body weight and smoking to "begin to provide a health behavior profile of the U.S. adult population."

The unsavory consequences of government intrusion in the physical dimensions of its citizens became evident a few years ago.

In 1995, *The Wall Street Journal* reported on the court case of 500-pound Arthur Younkin of Kansas. Charged with a single case of forgery, he was sent to a correctional facility to lose weight after he had difficulty regaining employment and paying restitution. But once released, Younkin gained more weight than he'd lost. When his fellow diners reported him for wolfing down food at a buffet table, the judge sentenced him to another 93 days in jail for failing to lose weight—despite the fact that he then had a job.

Some experts want Congress to regulate food advertising. "No parent and no school can compete" with the 10,000 food commercials a child reportedly sees each year, says Brownell. Knight Ridder News Service writes of pro-regulation advocates: "If the courts and government can outlaw selling of cancer-causing cigarettes to kids, they ask, why not limit the hawking of obesity-inducing food as well? Is Joe Camel really so different from Ronald McDonald?"

Those who badger corporations forget that citizens do more advertising for free than marketers do for money. People munch on potato chips in plain view. There's the ever-present hiss of pop cans being opened. The sight of someone holding a steaming café latte can send a driver to the nearest coffee shop. And the aroma of french fries wafting through the office suddenly means a group order at the golden arches.

BLOATING BUREAUCRACY

A new, pernicious bureaucracy is being proposed. If proponents succeed, regulators will be empowered to distinguish "good food" from "bad food," and to penalize everyone and anything having to do with illicit gastronomic pleasure, as determined by the government.

Policymakers and government officials have one thing right. Obesity is costly, in dollars and in health. But HHS Secretary Tommy Thompson claims obese children "impose a severe economic burden on our society." His emphasis is not limited to the individual. That excess weight is deemed costly to "society," and therefore ripe for intrusive government action.

Advertising and the easy availability of empty calories do not cause obesity. For most people, being fat is a choice. Congress would do better to address the underlying state and federal public policies that make it more difficult for citizens to engage in healthy behavior: rising tax burdens that lead to longer work days and unsupervised children, employer-based rather than individual-based tax breaks for health insurance, and the scourge of welfare dependency and broken families.

After all, building bloated bureaucracies, imposing censorship, and penalizing pleasure through taxation will only give the already overwhelmed and undermotivated another reason to overeat.

FOR MORE INFORMATION...

New Round Fired in Fat Wars. A government-sponsored "war on fat" will resemble the war on other products disliked by the elite but valued by the majority. All these campaigns are sources of human suffering, public costs, and violations of individual rights that must be weighed against the slight benefits to public health they may engender. (*Health Care News*, May 2002)

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Law

William H. Mellor

William H. Mellor is president and general counsel of the Institute for Justice.
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Voucher Decision Brings Opportunity for Political Leadership

The recent Supreme Court decision upholding the constitutionality of school vouchers, *Zelman v. Simmons-Harris*, was the most important ruling on education since *Brown v. Board of Education* in 1954. Reformers now have powerful new tools to improve dramatically the educational opportunities for American schoolchildren from all walks of life.

Dramatic reform will require courageous and visionary leadership, but the potential payoff is huge. Ohio Senator George Voinovich, Florida Governor Jeb Bush, former Wisconsin Governor Tommy Thompson, Milwaukee Mayor John Norquist, Wisconsin State Representative Polly Williams, and Cleveland City Councilwoman Fannie Lewis have all shown how leadership on this issue can galvanize voters and thrust leaders into the national spotlight—all while providing exciting new educational opportunities for youngsters desperately in need.

The issue cuts across traditional political divides, offering unprecedented opportunities for breakthrough alliances. Conservatives in particular must seize the historic moment and move to the vanguard of this new civil rights movement by promoting new voucher and tax credit programs across the nation.

Policymakers now are permitted, under the U.S. Constitution, to look outside the public schools to fulfill the goals of public education.

"TRUE PRIVATE CHOICE"

With its June decision, the Court removed once and for all the constitutional uncertainty that has inhibited the expansion of school choice.

In its 5-4 decision, authored by Chief Justice Rehnquist, the Court ruled unambiguously that a voucher program that includes religious schools is constitutional when parents select a school through "true private choice" in the context of a program that neither favors nor disfavors religion. In other words, the program must be neutral, and the money must flow to schools through the independent choices of individual parents.

Policymakers now are permitted, under the U.S. Constitution, to look outside the public schools to fulfill the goals of public education. The notion of a one-size-fits-all approach to public education can finally be replaced with a vibrant array of options that emphasize *whether* a child is educated, not *where* a child is educated. The options available are virtually unlimited.

DEBATE MOVES TO THE STATES

With such exciting possibilities, the debate over school choice now shifts to the states. Opponents of school choice, led by the teacher unions, have vowed to fight every proposal. The legal terrain will be challenging for choice supporters, but the same strategic coalition-building, legal advocacy, and political leadership that brought success at the national level can prevail in most states.

The legal challenge arises from two types of state constitutional provisions. There are 37 state constitutions—modeled on the failed federal-level Blaine Amendment of the 1870s—that forbid public authorities from appropriating any funds to sectarian institutions. There are 29 states with constitutions that contain a phrase or clause that says, in effect, that no one can be compelled to support a ministry or church without his or her consent. Many states have both provisions, but only three—Louisiana, Maine, and North Carolina—have neither.

These provisions do not necessarily preclude voucher-type programs. In Wisconsin and Ohio, the state Supreme Courts found the restrictive language in the state constitution was to be construed in parallel with interpretations of the establishment clause by the U.S. Supreme Court, and thus rejected attacks on choice programs.

Tax credits in Arizona and Illinois survived Blaine Amendment challenges, with the Arizona court even noting the anti-Catholic bigotry at the heart of Blaine Amendments.

Other state courts—like in Florida and Vermont—have construed their constitutional language as more restrictive. Thus, it will be a state-by-state slugfest.

Fortunately, a string of U.S. Supreme Court decisions on the First Amendment and equal protection clause of the Fourteenth Amendment call into question the more restrictive interpretations. Failure to include religious schools in school choice programs where students or their families select the school could well be unconstitutional discrimination against religion in favor of non-religious alternatives.

This is a tremendously exciting time for those who believe in the historic importance of school choice. It is, as Winston Churchill once said, "the end of the beginning." Let's work together to make choice a reality for all American schoolchildren.

Editor's note: A longer version of this article first appeared in The Quarterly *newsletter from GOPAC.*

FOR MORE INFORMATION...

Zelman v. Simmons-Harris. The full text of the U.S. Supreme Court's June 27 decision, including all concurring and dissenting opinions. (98pp.)

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HERE'S WHAT THE PUNDITS ARE SAYING!

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"America's recent political history is marked by the gradual abandonment of freedom for the promise of government-provided security. Dr. Miguel Faria knows better than most the danger that lies down that path. I pray that enough people read his book...and learn...before it is too late!"
—**NEAL BOORTZ**, NATIONALLY-SYNDICATED RADIO TALK SHOW HOST

"Americans need to know more about how the Castro problem started and has remained a festering sore so close to our shore. Dr. Miguel Faria gives us a rare eyewitness look at the personal costs of Castro's heinous takeover of Cuba."—**PHYLLIS SCHLAFLY**, EAGLE FORUM

"Dr. Miguel Faria has shown two things that strike me as essential for Americans to understand. One, gun registration was the tool for Castro to disarm the people of Cuba prior to committing genocide. Two, be careful lest we get what we say we want. The people of Cuba wanted to get rid of the dictator Batista. They did, and then got Castro. I hope that Americans will be more careful about who they support for making needed changes in our government."—**LARRY PRATT**, EXECUTIVE DIRECTOR, GUN OWNERS OF AMERICA

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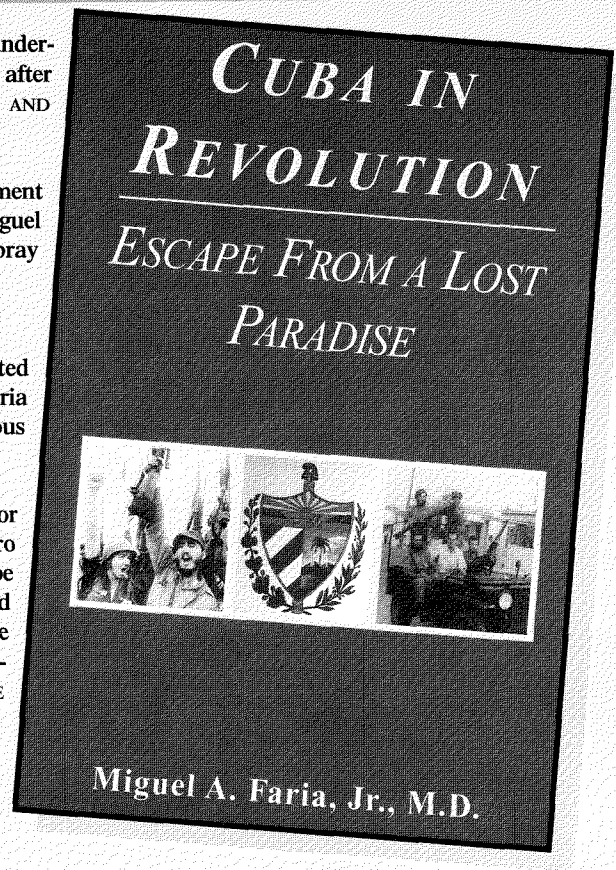

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"An impassioned plea for freedom...!"—**BRIGID MCMENAMIN**, *FORBES* MAGAZINE

Miguel A. Faria, Jr., M.D.
Editor-in-Chief of the *Medical Sentinel* of the Association of American Physicians and Surgeons (AAPS) and author of *Vandals at the Gates of Medicine* (1995) and *Medical Warrior: Fighting Corporate Socialized Medicine* (1997).

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Privatization

L. Lynne Kiesling

Lynne Kiesling is director of economic policy at Reason Public Policy Institute and senior lecturer of economics at Northwestern University.
http://www.rppi.org

Incentives and Waste: Pay-as-You-Throw

Landfills are a pressing issue in many communities: They are finite, filling up, and unlikely to expand much to accommodate the seemingly ever-increasing amount of trash we continue to generate.

Applying market principles to waste management would reduce the volume of trash generated, and would be one of the most effective approaches to waste management. That approach would also benefit the environment, by shifting the incentives to throw out, recycle, or compost.

Most municipalities have their residents pay a fixed price per month for waste haulage service, either as a separate fee or as a component of property taxes. Neither one of those choices harnesses the incentives to reduce waste that having residents pay by weight would.

Because they do not pay per unit of weight, number of bags, or any other measure of the quantity of waste, residents are more indiscriminate in what (and how much) they throw out. But some municipalities—as different as Austin, Texas and Vancouver, Washington—have changed their approach to charging for waste removal, and the results they see are striking.

"Pay-as-you-throw" or variable-rate waste programs result in 17 percent less garbage (by weight) and increased participation in recycling programs.

PAY AS YOU THROW

A recent Reason Public Policy Institute study concluded "pay-as-you-throw" or variable-rate waste programs result in 17 percent less garbage (by weight) and increased participation in recycling programs. Pay-as-you-throw programs are available for 20 percent of the country's population, in all but four states.

Under a pay-as-you-throw program, residents pay for waste removal by weight of the garbage. Pay-as-you-throw leads to increased conservation by changing the incentives to throw away versus recycle, or throw away versus composting organic matter. This is known as source reduction; it reduces the costs of solid waste management, reduces landfill costs, and improves the environment by reducing the amount of solid waste.

The Reason study calculates a benefit-cost ratio of 7.6 to 1 for variable-rate programs: For every dollar spent, the programs save $7.60. Much of that savings comes from reducing solid waste management costs.

Pay-as-you-throw programs are varied and flexible; the Reason study describes the various approaches and the advantages and disadvantages of each. For example, bag/sticker systems, in which the resident purchases bags or stickers for waste, are easy to implement and monitor. They do not require elaborate billing systems, can take advantage of color coding to make recycling easier for the resident and the waste hauler, and the prepaid nature of the service is good for the waste hauler's cash flow.

Bag/sticker programs also have disadvantages. They include having to arrange with a retail outlet, such as grocery stores, to sell the bags or stickers. Residents must have the bags or stickers on hand when they need to bag their waste, so distribution of bags and stickers has to be extensive and convenient for residents. The hauler's revenue is entirely a function of the number of bags hauled, which is good for efficient resource use but creates revenue uncertainty.

Over the past decade, variable-rate programs have grown dramatically in the Northeast, the upper Midwest, and on the West Coast. The most common programs are bag programs, where residents buy bags in which to dispose of waste, and can programs, where the resident pays a given amount per can size per month.

Critics of pay-as-you-throw often note low-income families may see their waste management fees go up if they are charged by volume instead of a fixed fee. Those critics fail to see that under a variable-rate system, such families have a lot of control over their waste haulage bills, because they have control over how much waste they generate and how much they recycle or compost.

Moreover, variable rates remove the implicit subsidy to large waste generators, so if these families are not large waste generators, they are more likely to see their bills go down than up.

PERSONAL STORY

My personal experience with pay-as-you-throw programs illustrates the power of economic incentives to influence household solid waste behavior.

In 1992, Upper Arlington, Ohio implemented a variable-rate bag and sticker program, effective January 1. I was home visiting my parents for the holidays, and my New Year's Eve Day 1991 chore was to help my parents clean out the basement, because they wanted to throw out as much as they could while they were still subject to the fixed-rate charge.

My parents' house was not the only one in the neighborhood with a huge pile of trash at the curb. Every house in sight had a mound of boxes, decrepit furniture, old machinery parts, and other items they wanted to throw out before getting charged for it. That experience illustrates the power of economic incentives in pay-as-you-throw waste management.

FOR MORE INFORMATION...

Variable-Rate or "Pay-As-You-Throw" Waste Management: Answers to Frequently Asked Questions.
Variable-rate pricing, or "pay as you throw," gives customers an economic signal to reduce the waste they throw away, because garbage bills increase with the volume or weight of waste they dispose. Variable-rate pricing is being adopted in thousands of communities to create incentives for additional recycling in the residential sector. (Reason Public Policy Institute, July 2002, 38pp.)

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Regulation

Susan E. Dudley

Susan E. Dudley is a senior research fellow and deputy director of the Regulatory Studies Program at the Mercatus Center at George Mason University.
http://www.mercatus.org

Regulatory Spending Increases, Priorities Shift

Regulations impose costs (and confer benefits) on American citizens in ways that are not always transparent.

Professors Mark Crain and Thomas Hopkins estimate Americans spent $843 billion in 2000 to comply with federal regulations. That estimate does not include the direct fiscal budget expenditures devoted to regulatory activity—the federal personnel and expenses necessary to develop and enforce regulations.

A new report issued jointly by the Mercatus Center at George Mason University and the Weidenbaum Center at Washington University in St. Louis examines the expenditures and staffing of federal regulatory agencies in fiscal years 2002 and 2003. This continues an annual effort begun in 1977 by the Center for the Study of American Business.

The federal budget tracks only a small fraction of the estimated social costs regulatory agencies impose. Nonetheless, the expenditures of federal regulatory agencies, and the trends in that regulatory spending over time, can serve as a useful barometer of regulatory activity, providing policymakers and others with useful insights into the composition and evolution of regulation.

For example, in his landmark 1978 study, Murray Weidenbaum estimated that, for every dollar of on-budget regulatory cost, the private sector spends $20. By contrast, current comparisons suggest that for every dollar of direct budget expenditure devoted to regulatory activity, the private sector (consumers, investors, workers, etc.) spends $45 in compliance.

The new report's examination of the *2003 Budget of the United States Government* projects administrative expenditures of federal regulation will reach an all-time high of $25.1 billion in fiscal year 2002. Though the budget submitted to Congress requests a smaller regulatory budget of $24.6 billion for fiscal year 2003, Congressional appropriations are likely to increase that amount.

Adjusted for inflation, this represents a real growth of almost 15 percent between 2001 and 2002—the highest real increase since 1973. The current budget requests a decline of almost 4 percent in 2003. Staffing at the federal regulatory agencies is forecast to reach a peak of 139,002 in 2003, more than 11 percent higher than staffing levels in 2001.

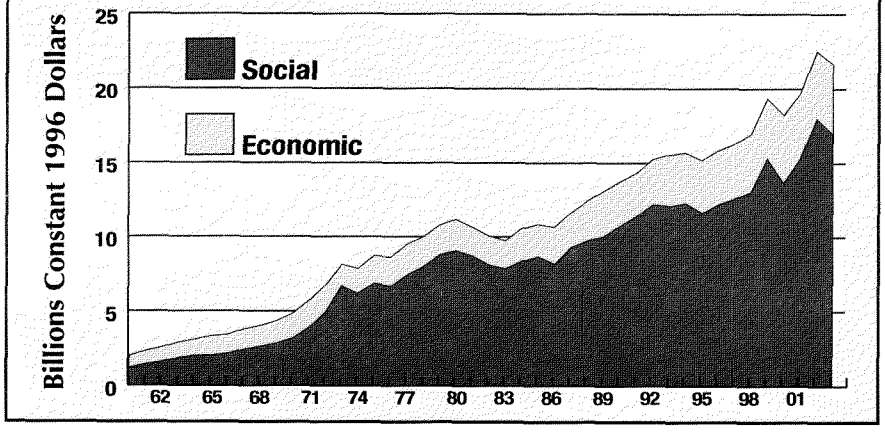
The budget also reveals a shift in national priorities after the events of September 11, 2001. In 2002, budget expenditures directed toward regulatory activities represented 1.22 percent of the total federal budget, the highest percentage since 1980. In the 2003 budget, the percent of the total federal budget directed toward regulatory activity declined to 1.15 percent, about the 2001 level.

The shift of resources within that 1.15 percent may be more revealing, however. Greater resources are being directed toward regulatory activities in response to the terrorist attacks, particularly resources directed at the transportation sector. This is true even though the Mercatus/Weidenbaum report does not include the $4.8 billion budget of the new Transportation Security Administration. For the first time since 1976, the regulatory budget of the Department of Transportation exceeds that of the Environmental Protection Agency.

For every dollar of direct budget expenditure devoted to regulatory activity, the private sector (consumers, investors, workers, etc.) spends $45 in compliance.

The costs of developing and enforcing federal regulations have increased 55-fold since 1960. Congressional and White House responses to last year's terrorist attacks and this year's financial scandals are likely to further increase the budgets of regulatory agencies. This most certainly signals an increase in the social costs of regulation (paid by American citizens in unseen ways) over the next few years.

ADMINISTRATIVE COSTS OF FEDERAL REGULATION



FOR MORE INFORMATION...

Regulatory Response: An Analysis of the Shifting Priorities of the U.S. Budget for Fiscal Years 2002 and 2003. The Weidenbaum Center at Washington University in St. Louis teamed with the Mercatus Center at George Mason University to examine the 2002 and 2003 budgets presented by the president to Congress. Chock-full of graphs and useful data tables, the report offers a way of tracking the growth of federal regulatory efforts. (Weidenbaum Center and Mercatus Center, June 2002, 33pp.)

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Taxes

David K. Hoffman

David K. Hoffman is an economist with the Tax Foundation. **http://www.taxfoundation.org**

"Jock Tax" Crosses the Line

The so-called "jock tax" turned 11 years old this year, and like many preteens it is starting to flex its revenue-raising muscle: by taxing many people who aren't professional athletes. State governments are using the jock tax to extend their income tax reach to a growing number of nonresidents who work only a few days in their states.

At Major League Baseball's July 8 All-Star Game in Milwaukee, for example, every player, coach, trainer, and announcer racked up taxes due to Wisconsin. The Badger State is one of 20 states that have extended their income taxes to visiting professional athletes ... and almost everyone who travels with them.

The jock tax began in 1991, when California tried to get back at Michael Jordan for beating the Lakers. A decade later, it's getting out of hand. Thousands of people—many of whom aren't athletes or earning a lot of money—are forced to file income tax returns in more than a dozen states.

Thousands of people—many of whom aren't athletes or earning a lot of money—are forced to file income tax returns in more than a dozen states.

	STEVE FRANCIS (home state: Texas) (salary: $3,441,000)		DAVID BELL (home state: Washington) (salary: $2,140,000)		REGGIE MILLER (home state: Indiana) (salary: $12,000,000)			
States Imposing a Jock Tax Total	Number of Games Played in Jock Tax States	Additional Taxes Paid	Number of Games Played in Jock Tax States	Additional Taxes Paid	Number of Games Played in Jock Tax States	Jock Taxes Paid	Amount that Indiana Would Have Collected	Additional Taxes Paid
Arizona	28	$ 66,948	72	$ 60,667	35	$ 205,540	$ 97,043	$ 108,497
California	2	$ 2,951			1	$ 5,177	$ 3,462	$ 1,716
Colorado	8	26,598	26	$ 28,237	4	45,432	13,846	31,586
Georgia	2	3,540	6	3,456	1	5,724	3,462	2,262
Illinois (a)	1	2,104			2	14,968	8,589	6,378
Indiana					3	7,418	6,702	715
Louisiana	1	$ 1,300						
Maryland								
Massachusetts			8	$ 4,682				
Michigan	1	2,237	6	4,367	2	$ 14,003	$ 6,702	$ 7,301
Minnesota	1	1,606	5	2,613	2	10,053	6,702	3,351
Missouri	2	$ 5,219	6	$ 5,076	2	$ 5,034	$ 3,462	$ 1,572
New Jersey			3	2,015				
New York	1	761			5	13,729	6,702	7,027
North	1	1,842	6	7,060	1	24,611	10,385	14,227
Carolina	1	2,549			3	16,163	6,702	9,460
Ohio	1	$ 1,258	6	$ 3,162	2	$ 6,236	$ 3,462	$ 2,775
Oregon	2	6,711			1	10,955	3,462	7,494
Pennsylvania	1	1,071			2			
Utah	2	5,232			2	17,187	6,702	10,485
Wisconsin	1	1,970			2	8,851	6,702	2,149

(a) Illinois only taxes nonresidents whose home states tax residents of Illinois.
Sources: www.bskball.com, USA Today Baseball Salaries. Computations by Tax Foundation.

The athletes who pay the most are those who make their homes in states with no state income tax or a low tax rate. Alex Rodriguez, whose home state of Texas has no state income tax, will pay almost $9,000 in jock taxes to Wisconsin for the privilege of playing a few innings in baseball's annual exhibition. He pays similar sums to other states, wherever the Texas Rangers' schedule takes him.

But millionaire superstars like Rodriguez are not the only ones filing a dozen or more state income tax returns. Every scout or trainer who travels with the team must go through the same administrative headache, although their tax bite isn't nearly as much.

The jock tax is ill-conceived for at least three reasons:

- **The tax is poorly targeted.** Advertised as one that hits only ultra-rich athletes, the jock tax has quickly spread to many people with moderate incomes, such as trainers and scouts.
- **The tax is arbitrary.** Professionals in other occupations with comparable incomes over their working lives, such as doctors and corporate executives, are not penalized by a "doc tax" or "exec tax." They may be next, as the tax has already spread to "rock stars."
- **The tax imposes an unrealistic administrative burden.** Some people must file more than a dozen state income tax returns.

For More Information...

State Income Taxation of Nonresident Professional Athletes. The jock tax is a case study in poor tax policy. State lawmakers should think twice before using the famously high salaries of professional athletes as an excuse to siphon tax revenue from non-residents. (Tax Foundation, July 2002)

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Technology

Bartlett D. Cleland

Bartlett Cleland is director of the IPI Center for Technology Freedom. Formerly he served as technology and policy counsel for Americans for Tax Reform, and earlier he was counsel to Senator John Ashcroft.
http://www.IPI.org

Internet Tax Debate Only a Smokescreen

The debate over whether governments can tax Internet sales differently than they tax other sales evades resolution year after year.

The battle will be joined again in 2003, because at year-end the briefly extended moratorium on discriminatory Internet taxes will expire. The technology industry and state and local taxing authorities should resolve to make the moratorium permanent on its own merits, and then work together to resolve the real issues that keep the moratorium a centerpiece of Capitol Hill strife.

ONLY A SMOKESCREEN

The moratorium has been in place since 1998. It prohibits only two things: discriminatory taxes placed on sales over the Internet, and taxes levied on access to the Internet.

State and local governments oppose the moratorium. Their opposition can be explained in one of three ways:

- State and local officials think it's acceptable to apply taxes in a way that inherently discriminates against a certain means of commerce or group of people;

The states and local governments should cooperate with the IT industry to make the moratorium permanent and then all work together to simplify the confusing tax structure in the states.

- They believe the advantages of the Internet should be denied to the public unless government can first extract "its share," by levying an Internet access tax;
- They believe the politics of trying to get what they want out of Capitol Hill is more important than adopting policies that make sense for their constituents.

This third explanation seems the most likely, because the moratorium itself is not really the issue here. What's really at stake is a victory for which states have been waiting more than 35 years: the right to tax individuals beyond state lines. In essence, state and local government officials view the Internet tax as a way to get what they want, rather than as sound public policy.

STATES VS. THE INTERNET

The U.S. Supreme Court ruled a decade ago, in *Quill v. Heitkamp* (May 1992), that state taxing rules are so complicated no one operating outside a state's borders should be required to decipher them. The court found the State of North Dakota's enforcement of a use tax against Quill Corporation—a mail-order house with neither outlets nor sales representatives in the state—to be an unconstitutional burden on interstate commerce.

The Court also noted, however, that "no matter how we evaluate the burdens that use taxes impose on interstate commerce, Congress remains free to disagree with our conclusions." Article I, §8 of the Constitution expressly authorizes Congress to "regulate Commerce ... among the several States."

The states, of course, would prefer to keep in place many of their confusing definitions, taxing districts, and methods of tax collection. Rather than take up the issue of cross-border taxation directly, the states are trying to get that authority indirectly ... by lobbying Congress to permit them to tax Internet transactions in ways they cannot tax other transactions.

YOUR TAX DOLLARS AT WORK

All of this backdoor political maneuvering is, of course, being paid for out of the pockets of taxpayers themselves. Your tax dollars pay for lobbyists hired by state officials to lobby the federal government to allow the states to increase your taxes.

According to the National Governor's Association Web site, "Individual states pay dues to belong to NGA, and these revenues fund the state-federal operations of the organization—the information and advocacy staff for NGA with members of Congress and the Administration." The NGA is at the forefront of the tax increase efforts.

Why are the states so focused on increasing their sales tax revenues? Apparently because sales taxes offer the only good news in an otherwise falling revenue picture, and they want to keep that good thing going.

According to an August report issued by the Nelson A. Rockefeller Institute of Government, total state tax revenues in 36 states fell by nearly 11 percent. "The only bright spot," according to the report, "was a growth in sales tax revenue ... [of] 1.2 percent."

The states' lobbyists on Capitol Hill claim they cannot keep their sales tax stream steady without Internet taxes. Of course, few state officials are actively pursuing spending cuts, preferring instead to beef up revenues—even if that means adopting tax policies that discriminate against the Internet and its customers.

This is bad public policy making at its worst. State and local government officials should cooperate with the IT industry to make permanent the moratorium on discriminatory Internet taxes. At that point, they can all work together to simplify the bewilderingly complex maze of state sales tax law—a move that would be to everyone's benefit.

FOR MORE INFORMATION...

The E-Tax Man Cometh. The problems faced by law and policy makers attempting to fashion a taxing scheme for e-commerce transactions are challenging and many. The lack of uniformity in state laws creates different answers for almost every different taxing jurisdiction. (Jones, Day, Reavis & Pogue, January 2002)

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Welfare

A Tax Deduction for Volunteers

Michael B. Barkey

Michael B. Barkey is president of the Center for the Study of Compassionate Conservatism.
http://www.compassionateconservative.cc

"The resources of community, unlike physical resources, become depleted when they are not used. They must be exercised or they atrophy."

As retired Indiana Senator Dan Coats warned, with the Great Society programs of the 1960s firmly establishing an expectation that government would take care of the poor, America's "civic muscle" has been substantially weakened. Mobilizing human resources—"rallying the armies of compassion" as President George W. Bush likes to say—requires a concerted effort to re-engage citizens in their communities.

BARRIERS TO VOLUNTEERISM

Presently, volunteers who itemize their federal income taxes are eligible for deductions on some of the costs associated with volunteering, such as mileage, parking, and the cost of purchasing required uniforms. Similarly, a professional performing work for a tax-exempt organization, like a church or charity, can bill the organization; then, upon receiving payment for services rendered, donate the money back to the organization and claim it as a deduction.

> *It only makes sense to allow individuals to deduct time volunteered at non-profit organizations.*

Unfortunately, both of these deductions are complicated procedures and awkward for the individual inquiring about them at a nonprofit. They also impose extensive paperwork requirements on both the nonprofit and the individual, can risk financial audits by the IRS, and are limited to the 25 percent of Americans (typically, wealthy Americans) who regularly itemize their deductions.

Most Americans who volunteer their time provide services other than those they perform in their daily work, making them ineligible for a deduction. If Sandy, a dental hygienist, does six hours of volunteer work a week serving meals to homeless persons at a local shelter and a paid employee there receives $6 an hour for the same work, Sandy cannot deduct $36 a week for her time volunteered.

While the IRS is widely known for its failure to clearly communicate the tax code, one thing it makes perfectly clear is a volunteer cannot deduct the "value of your time or services."

Similarly, were Sandy to make arrangements with her employer to take time off to provide free dental care to poor children and the homeless, neither Sandy nor her employer would be eligible to deduct the "value of income lost" from their income taxes.

As a result of these barriers, many people in need go without help. Ineffective government programs remain their only avenues of hope. And persons wishing to help remain disengaged from their communities.

VOLUNTEER TAX CREDITS

Tax law must change to support volunteers and create incentives for people to join the ranks of the armies of compassion.

Every individual volunteering time at a nonprofit should be able to claim a deduction on his or her income taxes for time volunteered and the expenses associated with that work, up to a ceiling at least equivalent to the size of the individual's standard deduction.

A similar deduction should be created for business entities. As Bush pointed out in his Notre Dame commencement address, "Currently six of the ten largest corporate givers in America explicitly rule out or restrict donations to faith-based groups regardless of their effectiveness. If we hope to substantially reduce poverty and suffering in our country, corporate America needs to give more and to give better."

Businesses could afford to give time off to employees for volunteer work, if those employers were allowed to count wages paid for that time against their own tax liability. And businesses could safely do so even without lifting restrictions their corporate giving programs may have against religious charities. Employees would decide on their own where to volunteer; there'd be no appearance of "inappropriate" support of religion by the corporation itself.

Such a tax credit would affirm the value of volunteering in society, in the same way the Family and Medical Leave law was intended to affirm the value of family, by rewarding companies, their employees, and individuals willing to live out their own social commitments.

MEETING SOCIETY'S OBLIGATIONS

Compassionate conservatism seeks to encourage individual responsibility among both the poor who are striving to succeed and the more well-to-do, who often hold the means for their success. More important than funneling tax dollars to poverty-fighting organizations is encouraging people to reach out to their neighbor in need with a helping hand.

That is the premise behind the charitable tax deduction, which allows individuals to deduct from their income taxes money given to nonprofit organizations. It only makes sense to allow individuals to deduct time volunteered at nonprofit organizations as well.

FOR MORE INFORMATION...

God, Government and the Good Samaritans. Many serious threats facing America today are not external but internal: the breakdown of families and communities, and the moral commitments that make them possible. (Capital Research Center, March 2002, 8pp.)

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Death by Regulation

by Lawrence J. McQuillan

On May 9, Sam Hussein, 60, owner of a San Francisco liquor store for 15 years, was gunned down at point-blank range as he tended the counter. Hussein, a generous shopkeeper who immigrated to the United States from Palestine 30 years ago, died at San Francisco General Hospital shortly after the shooting. He left behind a wife and eight devoted children.

At first glance this homicide appears to be just another example of random violence. But Hussein's family members believe government regulation killed their husband and father.

AN UNWILLING CONSCRIPT

Two weeks before his death, the city of San Francisco forced Hussein to install surveillance cameras outside his store as part of the city's "war on drugs." According to his son, Hussein did not want to comply. He did so after being told that if he didn't cooperate, his store would be closed as a public nuisance.

The city thereby acquired another informant in its war on drugs. Predictably, those on the streets turned against this unwilling participant.

Two days before Hussein's murder, a man was shot and wounded in front of Hussein's store. The gunman fled on foot. Hussein gave police the store's surveillance camera footage, thought to contain evidence of the shooting. Hussein chose to cooperate with police rather than wait for a warrant. Two days later, Hussein lay dead. Nothing was taken from his store.

The family and its attorney believe Hussein was killed in retaliation for providing the videotape to police. Hussein's children contend their father would still be alive if the city had not forced him to install cameras to gather evidence for city prosecutors. "This shooting had everything to do with the Police Department and the city attorney," said Hussein's son, Hasan.

At first glance this homicide appears to be just another example of random violence. But Hussein's family members believe government regulation killed their husband and father.

DEATH BY REGULATION

If the family is correct, Hussein's murder is a tragic example of death by regulation. But it would not be the first. Many government programs increase the death rate among certain groups of people, although it often takes careful statistical analysis to reveal the connection.

Researchers have studied this phenomenon closely, and it turns out political correctness is killing Americans. Take automobiles, pharmaceuticals, and tobacco as just three examples.

Since 1978 the federal government has regulated the fuel economy of new cars sold in the United States. The purpose of Corporate Average Fuel Economy (CAFE) standards is to reduce consumption of foreign oil. Auto manufacturers have complied with CAFE standards by building lighter vehicles. It doesn't take a physicist to know lighter vehicles offer less protection to occupants in collisions than heavier vehicles, thereby yielding more traffic fatalities.

Julie DeFalco of the Competitive Enterprise Institute has shown CAFE is responsible for between 2,600 and 4,500 traffic fatalities per year—a horrific number. *USA Today* found that in the quarter-century since CAFE was enacted, 46,000 people died on our highways who would otherwise be alive without it. CAFE standards force Americans to trade blood for oil.

Perhaps an even worse tradeoff is lives for paperwork. Before a new prescription drug can be brought to market in the United States it must be certified "safe and effective" by the U.S. Food and Drug Administration (FDA). Currently, it takes the FDA about 1.5 years to review and approve a new drug application *after all clinical testing has been completed.* These needless delays are deadly.

Dale H. Gieringer of Stanford University found that, at current population levels, typical FDA approval delays cost 70,350 to 144,510 lives per decade in the United States. Consumers are being denied access to life-saving drugs on the alleged grounds of public health. The irony would be laughable if the consequences were not so tragic.

AID AND COMFORT TO THE ENEMY

An even greater tragedy might be connected to tobacco regulation.

Excessive regulation and taxation create black markets ... and often the most dangerous elements of society choose to operate in those markets.

The regulation and taxation of cigarettes in Europe and America has produced a burgeoning cigarette-smuggling trade linked to terrorist groups. Two brothers, Mohamad and Chawki Hammoud, were convicted in Charlotte, North Carolina for cigarette smuggling, money laundering, racketeering, and terrorist activities. The effort to deprive cigarette manufacturers of their profits is giving aid and comfort to the enemy.

Regulations motivated by political correctness are killing Americans. It's time to face this reality and scrap the regulations. People should be allowed to choose which risks they wish to assume, which risks to protect themselves against, and how best to do it.

The parents of the 129 infants and children killed by government-mandated automobile air bags would likely agree.

Dr. Lawrence J. McQuillan is director of the Center for Entrepreneurship at the California-based Pacific Research Institute. He can be contacted at **LMcQuillan@pacificresearch.org**.

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Dreams, Plans, and Reality:
A Critique of *Chicago Metropolis 2020*

by Edwin S. Mills

In February 2002, The Heartland Institute released *Heartland Policy Study* No. 97, a 24-page report by Dr. Edwin S. Mills, Emeritus Professor of Real Estate and Finance at Northwestern University's Kellogg School of Management. The report analyzes *Chicago Metropolis 2020*, a planning document issued by the Commercial Club of Chicago.

Dr. Mills' complete report is available by mail for $10, pre-paid, from The Heartland Institute. The full text in Adobe Acrobat's PDF format is available for free at The Heartland Institute Web site, **www.heartland.org**.

* *

Chicago Metropolis 2020 attempts to tell us *who* should do *what* to make the metropolitan area a more nearly ideal place. It is concerned with the six counties— Cook, DuPage, Kane, Lake, McHenry, and Will—that contain nearly all of the population and jobs in the official nine-county primary metropolitan statistical area. This critique subjects some of the report's important hypotheses to economic analysis.

1. Education: Correct diagnosis, weak prescription

Chicago Metropolis 2020 frankly acknowledges that U.S. public schools in general, and Chicago's inner-city public schools in particular, are poor and produce poorly qualified students and graduates. It recognizes that state and local public education authorities seek excessive bureaucratic control and overemphasize inputs (in particular, money) to the neglect of learning quality. It shows understanding that charter schools, discussed only briefly, are at least a first step toward circumventing some of the bureaucratic controls that hold back public schools.

Although the Commercial Club is undoubtedly genuine in its wish for less government control over schools, its recommendations would probably *increase* such controls. It advocates a state cabinet-level education department, encompassing the Illinois State Board of Education. It apparently would like the new department to oversee standard-setting as well as efforts to increase the supply of principals and teachers and improve school quality in general. But why should we believe this would work? Local education monopolies are bad enough; strengthening state control is likely to make things worse.

The Commercial Club's report contains some sound analysis of the problems facing public schools and the need to improve them, especially for the sake of disadvantaged children. The endorsements of competition and school choice in *Chicago Metropolis 2020* are right, but much too timid.

The endorsements of competition and school choice in Chicago Metropolis 2020 are right, but much too timid.

2. "Smart growth" myths lead to anti-car and pro-public transit biases

A basic defect of *Chicago Metropolis 2020* is its unjustified bias against automobile travel and in favor of fixed rail public transit use. Competent transportation economists have known for 35 years that investment in urban fixed rail transportation systems is wasteful, yet the Commercial Club and other advocates of "smart growth" continue to be enamored with it.

The Commercial Club claims car ownership and use contribute to excessive suburbanization ("sprawl"), and hence to excess commuting and congestion. The argument is wrong in both its parts. Suburbanization *per se* does not lead to longer commutes or congestion: With two-thirds of both residents and jobs now located in Chicago's suburbs, it should be possible for workers to reside close to jobs in both the central city and suburbs. Land use regulations in the suburbs that mandate excessively low-density housing and commercial development, not private ownership of cars and trucks, cause sprawl.

Underpricing of metropolitan transportation of all kinds, not sprawl, is also a major cause of excessively long commutes and congestion. Commuters pay only a small fraction of operating and capital costs to travel by fixed rail from distant suburbs to central business districts. Bus and car travel is also underpriced, though to a lesser extent. By urging greater investment in public transit, the Commercial Club would unintentionally increase the tendency toward sprawl.

3. Getting the prices right: A better way to limit sprawl

On urban roads, the appropriate user fee is what would be charged if road travel were provided by a competitive private sector. The government can approximate the private outcome by imposing fuel taxes. The appropriate fuel tax would be about five times its present level, say $2.50 per gallon, bringing the total fuel cost close to $4.00.

Such a large fuel tax increase would need to be federal, to avoid large distortions among state or local taxing jurisdictions. Americans would not, and should not, tolerate a net tax increase of the magnitude implied by my proposed fuel tax, so they should be promised a corresponding reduction in other taxes, probably federal income taxes. Unfortunately, Americans are properly cynical of such "tax swaps" because federal, state, and local governments have so often lied to the public about taxes.

Much higher fuel taxes would result in pervasive decreases in driving, as did high fuel prices during the gasoline crises of 1974 and 1980. People would omit some frivolous trips and carpool more, and at least a few would take public transportation. Over time, people would move to homes closer to where they work, or find work closer to where they want to live. Commuting miles could easily fall by 20-30 percent.

Building and improving roads would be a continual need, but this could be done at relatively low cost. The capacity of city streets could be increased by one-third or so by the expenditure of a few tens of millions of dollars on

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more one-way and reverse-direction streets and lanes, sequenced traffic lights, and off-street parking; discouraging on-street parking; and better enforcement of traffic controls.

4. Land use restrictions: The real cause of sprawl

Chicago Metropolis 2020 repeats the "smart growth" cliches about lost farmland and "open space," yet it fails to call for effective measures to rein in the real cause of sprawl: excessive restrictions on land use imposed by municipal authorities and increasingly by state and federal agencies.

During the last half century, local governments have developed a panoply of controls that enable them to dictate characteristics of housing development, maintenance, repair, and remodeling in the greatest detail. Such controls are applied less stringently in Chicago suburbs than in many other metropolitan areas, but they become more stringent every decade. Whatever justification is given for such land use controls, the result is to limit housing supply, raise housing prices, and push residential and commercial development farther and farther from the city core.

Suburbanization per se does not lead to longer commutes or congestion.

Resource misallocation occurs because governments simply forbid development by private owners on their land. Federal wetlands and endangered species acts, federal and state waterfront development controls, and many other programs curtail development on private land. Such government programs confiscate private property rights and impose the costs of open space preservation on private owners. The result is to motivate governments to preserve excessive amounts of open space.

5. "Thou shalt impose no restrictions on housing . . ."

The Commercial Club recommends new or expanded government programs to enable more minorities and low-income families to obtain suburban housing. This is hardly a novel suggestion: Since 1937, dozens of variants of many government housing programs have been implemented. Almost none of the voluminous benefit-cost analyses that economists have undertaken of such programs has found any whose benefits exceed their costs.

I am shocked that the Commercial Club advocates expanding government housing and land use control programs, which have done so much harm for so many decades. They should have asked how we can get governments out of housing, not how we can get them in more deeply. The U.S. has the world's most efficient housing development, construction, and finance systems. All that is needed is to let markets work.

Land use controls limit housing supply, raise housing prices, and push residential and commercial development farther and farther from the city core.

The easiest remedy would be a one-sentence state law: "Thou shalt impose no restrictions on housing except those needed to protect the health and safety of its residents." Housing would then be built at greater densities in suburbs, especially near suburban employment centers, highway interchanges, and public transit stops. Suburban expansion would be slowed at least somewhat. And developers would be permitted to build dwellings, such as manufactured housing, affordable to low-income residents.

Of course, my proposed one-sentence state law is much too radical to be adopted, and I would not expect the Commercial Club to advocate it. But readers have been sold short by the Commercial Club's naive advocacy of more government regulations to undo the effects of excessive government intervention.

6. The Regional Coordinating Committee: More waste and bureaucracy

The Chicago metropolitan area has so many local government units that all but a few elected officials are effectively autonomous. The report does no more than mention the problem and propose to establish a task force to study it. The report's real concern is "coordinating" local government activities, which it proposes be done by a new government agency, to be named the Regional Coordinating Council (RCC).

Since funding for the RCC is to be from region-wide taxes, local government entities would bid furiously for RCC assistance. All government units can persuasively justify investments that will be mostly paid for by someone else. As evidence, one need only note the pork barrel projects Congress and state legislatures authorize: projects that bring only local benefits are wildly popular with local representatives.

The proposed RCC would introduce another layer of bureaucracy and rules between developers and their efforts to build houses for people. Housing costs would rise, worsening the tendency to blame developers for not building enough "affordable" housing and increasing demands for yet more regulations.

7. Chasing jobs, distorting economic development

High-technology research, development, and manufacturing are the most footloose of industrial sectors. Deliberate attempts to attract high-tech employment to the region, such as those endorsed by the Commercial Club, will just waste taxpayers' money. The same is true of public-private cooperative venture capital partnerships. Venture capital is the riskiest of industrial investments and should be left to the private sector.

Chicago Metropolis 2020 rails against suburbs that limit residential densities excessively—yet it does not mention excessive land use controls applied to businesses. In fact, there was no need to exempt the City of Chicago from the charge of excessive limitations on either residential or business development. Some suburbs try to attract businesses, as the report indicates, but others, predominantly distant and high-income suburbs, limit commercial as well as residential development.

Chicago Metropolis 2020 also endorses Tax Increment Financing (TIF). TIF districts certainly result in decreased unemployment in the jurisdiction, and politicians love them because apparent benefits are quickly realized. But the costs are borne by taxpayers in the future, when the entrepreneurial elected official expects to have left office. Every dollar spent from TIF bonds must be paid for by taxes levied on local people, and those tax collections have the same direct and indirect effect as TIF expenditures, but with the signs reversed. TIF should not be considered a valid tool for economic development.

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Time to Focus Correctly on ADHD

By Kerri Houston

Anyone who believes Attention Deficit Hyperactivity Disorder (ADHD) is not a legitimate disease clearly doesn't have it. Nor do they experience the agony of watching their children struggle with its challenges on a daily basis.

Most successful public policy activists I know seem to have it. Creativity, extroversion, boundless energy, and an ability to hyperfocus on a single issue while remaining aware of every nuance of the surrounding environment are all cardinal signs of ADHD ... and of effective public policy warriors.

ADHD EXISTS

No other childhood illness is viewed with more prejudice than is ADHD. When its symptoms and effects are misrepresented and misreported, the implication is that victims of this disease—children already at great risk as they struggle with academic requirements and appropriate peer interactions—are somehow at fault.

Would we find a victim of juvenile diabetes at fault for the dysfunction of his pancreas? Of course not! Then why is it acceptable to imply that children with ADHD symptoms are somehow responsible for the visible manifestations of their dysfunctional brains?

Studies show the brains of children with ADHD are smaller than those of healthy kids due to abnormalities in three specific brain areas. The size variations in an ADHD brain create a "lopsided" effect in the usually symmetrical brain.

Chemically, receptors in an ADHD brain do not work effectively, as the neurotransmitter dopamine is not produced at normal levels. This anomaly in dopamine production occurs in the area directly associated with attention and emotive behavior.

Approximately 5 percent of school-age children suffer from ADHD. It is three to four times more prevalent in boys than in girls. The reason for this disparity is not yet understood ... but it certainly has nothing to do with Gloria Allred's theory that boys should play with dolls and be more like girls— i.e. quieter. Boys are different, and something in their physical brains makes them more susceptible to the disorder.

Brain-imaging techniques do show that the chemical and physical abnormalities of ADHD boys are identical to those of ADHD girls. This is no more evident than in my house. I have one of each, the girl being more affected than the boy. Moreover, my own self-awareness tells me I will have to get up out of my chair at least three times and do something else in order to focus on this important text.

COPING WITH ADHD

Fortunately for my children and 20 million other kids, there are medications available today that allow them to cope with the symptoms of ADHD and help them avoid being labeled by their teachers or peers as "weird" or "stupid." Drugs such as Ritalin and Adderall quiet abnormal activity in the frontal lobe and allow sufferers to control their impulses and focus their attention.

Studies indicate these medications are completely safe when properly administered. Unfortunately, some parents and children's advocates have bought into disinformation about ADHD, thus playing directly into the hands of trial lawyers who see the "myth of ADHD" movement as a post-tobacco litigation meal ticket—shaking down the pharmaceutical companies.

The ideological and political community in which I reside is all about individual responsibility and families. We know lack of accountability is costly to taxpayers and causes government to grow. Denying the existence of ADHD has a direct impact on these cornerstone principles.

Untreated ADHD contributes to lower college graduation rates, under-employment, marital instability, and substance abuse ... all known causes of increased dependency on government.

Untreated ADHD contributes to lower college graduation rates, under-employment, marital instability, and substance abuse—all known causes of increased dependency on government. Being a responsible parent includes doing what is medically necessary for the health and success of a child. When those who generally tout the importance of family nevertheless criticize parents for seeking treatment for ADHD, they become the self-appointed busybodies they usually denounce.

I don't disagree that the government-run school system tends to look for the path of least resistance when it comes to dealing with "difficult" kids. But to reflexively assume, as some activists have, that ADHD is a plot hatched by the education establishment to keep children submissive in their seats is not only uninformed, but insulting to responsible parents who recognize and treat their child's consistent, detrimental—and make no mistake, painful—inattentive and impulsive behaviors.

Managing this disorder requires a combination of medication, coping systems, and consistent discipline. My children see everything, notice everything, and feel everything. I tell them to celebrate their difference—to embrace the gift that is ADHD and the remarkable perception of the world that comes with it. I hope no one else ever tries to tell them otherwise.

❖

Kerri Houston is national field director for the American Conservative Union and the mother of two ADHD children ages 10 and 18.

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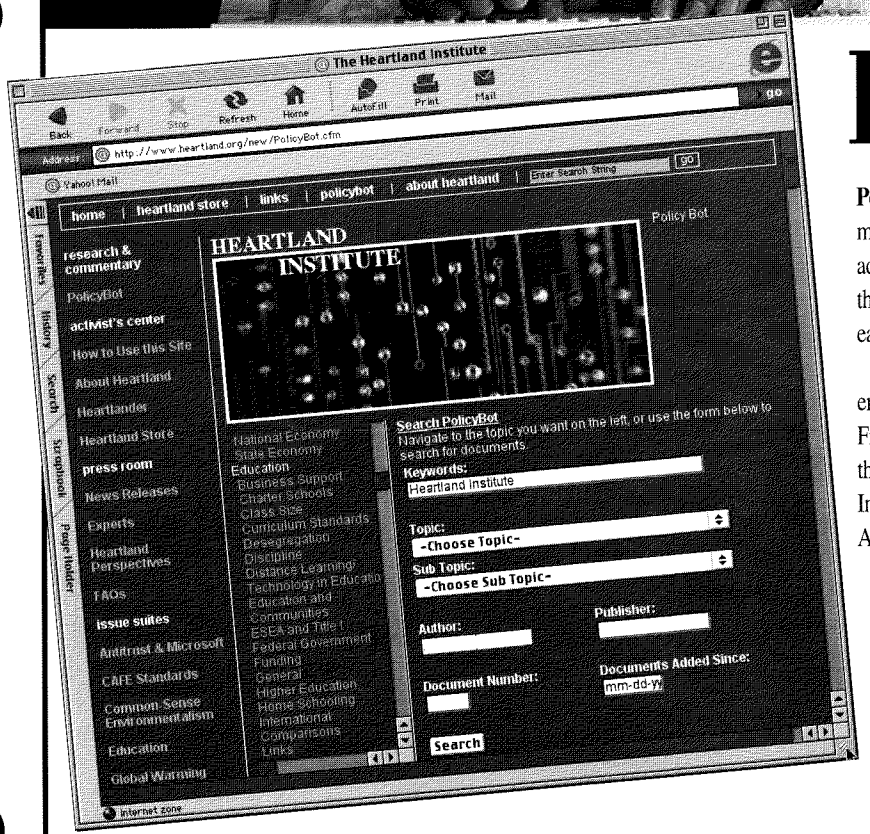

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State of Florida
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Delray Beach, FL 33483-4528

Hon. Virginia Brown-Waite
State Senator
State of Florida
20 North Main Street #200
Brooksville, FL 34601

Hon. Bob Casey
State Representative
State of Florida
2811 NW 12th Place #L
Gainesville, FL 32606-6569

Hon. Anna P. Cowin
State Senator
State of Florida
716 West Magnolia Street
Leesburg, FL 34748-5893

Hon. Alzo J. Reddick Sr.
State Representative
State of Florida
725 South Goldwyn Avenue
Orlando, FL 32805-2903

Hon. Carlos L. Valdes
State Representative
State of Florida
7175 SW 8th Street #201
Miami, FL 33144-4671

Hon. Stephen R. Wise
State Senator
State of Florida
3520-2 Blanding Boulevard
Jacksonville, FL 32221-5253

GEORGIA
Hon. Sue Burmeister
State Representative
State of Georgia
P.O. Box 212176
Augusta, GA 30917-2176

Hon. Thomas E. Price
State Senator
State of Georgia
295 Broadmeadow Cove
Roswell, GA 30075

HAWAII
Hon. Barbara Marumoto
State Representative
State of Hawaii
415 South Beretania Street #313
Honolulu, HI 96813

Hon. Guy P. Ontai
State Representative
State of Hawaii
415 South Beretania Street
Honolulu, HI 96813

Hon. David A. Pendleton
State Representative
State of Hawaii
415 South Beretania Street #442
Honolulu, HI 96813

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State of Hawaii
415 South Beretania Street #221
Honolulu, HI 96813

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State Representative
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3731 Buckingham Drive
Boise, ID 83704

Hon. W. Ric Branch
State Senator
State of Idaho
3770 North Crane Road
Midvale, ID 83645

Hon. Harold R. Bunderson
State Senator
State of Idaho
582 River Heights Drive
Meridian, ID 83642

Hon. Grant R. Ipsen
State Senator
State of Idaho
1010 Houston Road
Boise, ID 83706

ILLINOIS
Mr. Robert L. Bergman
250 South Rohlwing Road
Palatine, IL 60074-6401

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State Senator
State of Illinois
Capitol Building #111
Springfield, IL 62706

Hon. J. Bradley Burzynski
State Senator
State of Illinois
505 DeKalb Avenue
Sycamore, IL 60178

Hon. Elizabeth Coulson
State Representative
State of Illinois
3801 West Lake Avenue
Glenview, IL 60025

Hon. Mary Lou Cowlishaw
State Representative
State of Illinois
552 South Washington Street #119
Naperville, IL 60540

Mr. Charles B. Fitzgerald IV
Supervisor
Shields Township
906 Muir Avenue
Lake Bluff, IL 60044

Hon. Thomas L. Johnson
State Representative
State of Illinois
27 West 031 North Avenue
West Chicago, IL 60185

Mr. Michael S. Olszewski
Clerk
Hanover Township
8N180 Route 59
Bartlett, IL 60103-1628

Hon. Kathleen K. Parker
State Senator
State of Illinois
191 Waukegan Road #200
Northfield, IL 60093

Hon. Christine Radogno
State Senator
State of Illinois
521 South LaGrange Road #104
LaGrange, IL 60525

Hon. Steven J. Rauschenberger
State Senator
State of Illinois
1112 South Street
Elgin, IL 60123

Hon. Bobby L. Rush
Congressman
State of Illinois - 1st District
2416 Rayburn House Office Building
Washington, DC 20515-9997

Hon. Dave Syverson
State Senator
State of Illinois
200 South Wyman Street #302
Rockford, IL 61101

INDIANA
Hon. J. Murray Clark
State Senator
State of Indiana
200 West Washington Street
Indianapolis, IN 46204-2785

Hon. Frank Mrvan Jr.
State Senator
State of Indiana
State House
Indianapolis, IN 46204

IOWA
Hon. Sandra H. Greiner
State Senator
State of Iowa
State Capitol
Des Moines, IA 50319

Hon. Neal Schuerer
State Senator
State of Iowa
P.O. Box 290
Amana, IA 52203

KANSAS
Hon. Garry Boston
State Representative
State of Kansas
14 Circle Drive
Newton, KS 67114-1239

Hon. Karin Brownlee
State Senator
State of Kansas
1232 South Lindenwood Drive
Olathe, KS 66062

Hon. Peggy L. Long
State Representative
State of Kansas
State Capitol #446-N
Topeka, KS 66612

Hon. Kay O'Connor
State Senator
State of Kansas
300 SW 10th Avenue
Topeka, KS 66612-1504

KENTUCKY
Hon. Robert R. Damron
State Representative
State of Kentucky
231 Fairway West
Nicholasville, KY 40356

Hon. Joni L. Jenkins
State Representative
State of Kentucky
2010 O'Brien Court
Shively, KY 40216

Hon. Richard L. Roeding
State Senator
State of Kentucky
700 Capitol Avenue Annex #204
Frankfort, KY 40601

Hon. Brent Yonts
State Representative
State of Kentucky
232 Norman Circle
Greenville, KY 42345

LOUISIANA
Hon. Sydnie Mae M. Durand
State Representative
State of Louisiana
P.O. Box 2840
Parks, LA 70582

MAINE
Hon. Robert W. Duplessie
State Representative
State of Maine
41 Carol Street
Westbrook, ME 04092

Hon. Richard A. Nass
State Representative
State of Maine
2924 Milton Mills Road
Acton, ME 04001

Hon. Jonathan Thomas
State Representative
State of Maine
P.O. Box 446
Orono, ME 04473

MARYLAND
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Delegate
State of Maryland
308 Lowe House Office Building
Annapolis, MD 21401

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Hon. John A. Hart Jr.
State Representative
State of Massachusetts
472 State House
Boston, MA 02133

Hon. Steven C. Panagiotakos
State Senator
State of Massachusetts
518 State House
Boston, MA 02133

MICHIGAN
Hon. Beverly S. Hammerstrom
State Senator
State of Michigan
520 Farnum Building
Lansing, MI 48909

Hon. Patricia A. Lockwood
State Representative
State of Michigan
P.O. Box 30014
Lansing, MI 48909-7514

Hon. Andrew C. Richner Jr.
State Representative
State of Michigan
718 Berkshire Road
Grosse Pointe Park, MI 48230

Mr. Tony L. Walker
City Commissioner
City of Battle Creek
73 Hubbard Street
Battle Creek, MI 49017

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Hon. Richard J. Cohen
State Senator
State of Minnesota
591 Cretin Avenue
St. Paul, MN 55116

Hon. Mary Ellen Otremba
State Representative
State of Minnesota
Route 2 Box 17
Long Prairie, MN 56347-9561

MISSISSIPPI
Hon. Edward Blackmon Jr.
State Representative
State of Mississippi
P.O. Drawer 105
Canton, MS 39046

Hon. Hillman Frazier
State Senator
State of Mississippi
2066 Queensroad Avenue
Jackson, MS 39213

Hon. David L. Jordan
State Senator
State of Mississippi
P.O. Box 8173
Greenwood, MS 38930

Hon. James C. Simpson Jr.
State Representative
State of Mississippi
P.O. Box 460
Gulfport, MS 36502

MISSOURI
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State of Missouri
11320 Sunnyslope Drive
Kansas City, MO 64134

Hon. Doyle Childers
State Senator
State of Missouri
P.O. Box 127
Reeds Spring, MO 65737

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State Senator
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14 Arrowhead
Chesterfield, MO 63017

Hon. David J. Klarich
State Senator
State of Missouri
7700 Bonhomme - 7th Floor
Clayton, MO 63105

Hon. Denny J. Merideth III
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State of Missouri
Route 1 Box 259
Caruthersville, MO 63830

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State of Missouri
P.O. Box 55
Chillicothe, MO 64601

Hon. Marvin A. Singleton
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State of Missouri
114 West 32nd Street
Joplin, MO 64804

Hon. Chuck Surface
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State of Missouri
2401 West 29th
Joplin, MO 64804

Hon. Anita T. Yeckel
State Senator
State of Missouri
8819 Gladlea Drive
St. Louis, MO 63127

MONTANA
Hon. Linda L. Holden
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State of Montana
170 Dupuyer Cutoff
Valier, MT 59486

NEBRASKA
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State Senator
State of Nebraska
5036 South 94th Avenue
Omaha, NE 68127

Hon. Kate Witek
State Auditor
State of Nebraska
P.O. Box 98917
Lincoln, NE 68509-8917

NEVADA
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Assemblyman
State of Nevada
9428 Grenville Avenue
Las Vegas, NV 89134-6206

Hon. Dennis E. Nolan
Assemblyman
State of Nevada
P.O. Box 82194
Las Vegas, NV 89180

NEW HAMPSHIRE
Hon. Peter L. Batula
State Representative
State of New Hampshire
12 Paige Drive
Merrimack, NH 03054-2837

Hon. G. Michael Gilman
State Representative
State of New Hampshire
P.O. Box 294
Littleton, NH 03561-4515

Hon. Godfrey Howard
State Representative
State of New Hampshire
P.O. Box 320
Mirror Lake, NH 03853-0320

Hon. Andre A. Martel
State Representative
State of New Hampshire
237 Riverdale Avenue
Manchester, NH 03103-7301

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Danville, NH 03819-0193

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State Representative
State of New Hampshire
161 Faith Lane
Manchester, NH 03103-7156

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P.O. Box 570
Kingston, NH 03848-0570

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Cresskill, NJ 07626

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State of New Jersey
124 West Washington Avenue
Washington, NJ 07882

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1415 Catron Avenue SE
Albuquerque, NM 87123

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State of New York
33-46 - 92nd Street #1W
Jackson Heights, NY 11372

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State Senator
State of New York
5500 Main Street #260
Williamsville, NY 14221-6737

Ms. Sharon Rich
Chief of Staff
Sen. Mary Lou Rath
5500 Main Street #260
Williamsville, NY 14221

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Assemblyman
State of New York
61-08 224th Street
Bayside, NY 11364

NORTH CAROLINA
Hon. John M. Blust
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State of North Carolina
State Legislative Building
Raleigh, NC 27601-1096

Hon. Theresa H. Esposito
State Representative
State of North Carolina
207 Stanaford Road
Winston-Salem, NC 27104-2721

Hon. Stanley H. Fox
State Representative
State of North Carolina
P.O. Box 1206
Oxford, NC 27565

Hon. Hamilton C. Horton Jr.
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State of North Carolina
860 Englewood Drive
Winston-Salem, NC 27106

Hon. Julia C. Howard
State Representative
State of North Carolina
330 South Salisbury Street
Mocksville, NC 27028

NORTH DAKOTA
Hon. Jim Kasper
State Representative
State of North Dakota
1128 Westrac Drive
Fargo, ND 58103

OHIO
Hon. David Goodman
State Representative
State of Ohio
2736 Bexley Park Road
Columbus, OH 43209

OKLAHOMA
Hon. Ron Peterson
State Representative
State of Oklahoma
646 Meadwood Drive
Broken Arrow, OK 74011

Hon. Bob Plunk
State Representative
State of Oklahoma
P.O. Box 237
Ada, OK 74820

Hon. Clay Pope
State Representative
State of Oklahoma
Route 1 Box 76
Loyal, OK 73756

Hon. Ray L. Vaughn Jr.
State Representative
State of Oklahoma
2609 Century Drive
Edmond, OK 73013-6534

OREGON
Hon. Betsy Close
State Representative
State of Oregon
5220 NW Winn Drive
Albany, OR 97321

Hon. Jerry Krummel
State Representative
State of Oregon
30945 SW Boones Ferry Road
Wilsonville, OR 97070

Hon. Eileen Qutub
State Senator
State of Oregon
11135 Partridge Loop
Beaverton, OR 97007

Hon. Jim Welsh
State Representative
State of Oregon
P.O. Box 458
Elmira, OR 97437-0458

PENNSYLVANIA
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State Representative
State of Pennsylvania
430 Locust Street
Columbia, PA 17512

Hon. Lawrence H. Curry
State Representative
State of Pennsylvania
115 West Avenue #211
Jenkintown, PA 19046

Hon. James R. Roebuck Jr.
State Representative
State of Pennsylvania
4800 Baltimore Avenue
Philadelphia, PA 19143

Hon. Robert J. Thompson
State Senator
State of Pennsylvania
15 West Gay Street
West Chester, PA 19380

RHODE ISLAND
Hon. Marc A. Cote
State Senator
State of Rhode Island
144 Woodland Road
Woonsocket, RI 02895

SOUTH CAROLINA
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State Representative
State of South Carolina
P.O. Box 203
Due West, SC 29639-0203

Hon. Lewis R. Vaughn
State Representative
State of South Carolina
623 Ashley Commons Court
Greer, SC 29651-5796

SOUTH DAKOTA
Hon. Barbara Everist
State Senator
State of South Dakota
709 Tomar Road
Sioux Falls, SD 57105-7053

Hon. Arlene H. Ham
State Senator
State of South Dakota
1116 Crestridge Court
Rapid City, SD 57701

Hon. Ted A. Klaudt
State Representative
State of South Dakota
10250 Walker Road
Walker, SD 57659-7501

Hon. Marguerite M. Kleven
State Senator
State of South Dakota
P.O. Box 687
Sturgis, SD 57785-0687

Hon. Ron J. Volesky
State Senator
State of South Dakota
592 Dakota Avenue South
Huron, SD 57350

TENNESSEE
Hon. Ben West Jr.
State Representative
State of Tennessee
4013 Port Cleburne Lane
Hermitage, TN 37076

TEXAS
Hon. Warren Chisum
State Representative
State of Texas
P.O. Box 2061
Pampa, TX 79066

Hon. Frank J. Corte Jr.
State Representative
State of Texas
2040 Babcock Road #402
San Antonio, TX 78229

Hon. Henry Cuellar
State Representative
State of Texas
1519 Washington #201
Laredo, TX 78040

Hon. Charlie Howard
State Representative
State of Texas
14100 SW Freeway #200
Sugarland, TX 77478

Hon. Jesse W. Jones
State Representative
State of Texas
7125 Marvin D Love Freeway #325
Dallas, TX 75237-3156

Hon. Tommy Merritt
State Representative
State of Texas
201 Estes Drive
Longview, TX 75603

Hon. Manny Najera
State Representative
State of Texas
1716 Mike Hill
El Paso, TX 79936

Hon. Robert E. Talton
State Representative
State of Texas
3622 Fairmount Parkway #B
Pasadena, TX 77504-3072

Hon. Dale B. Tillery
State Representative
State of Texas
8344 East R.L. Thornton #304
Dallas, TX 75228

Hon. Arlene Wohlgemuth
State Representative
State of Texas
201 West Ellison Street #201
Burleson, TX 76028

UTAH
Hon. Howard A. Stephenson
State Senator
State of Utah
1038 East 13590 South
Draper, UT 84020

Hon. Matt Throckmorton
State Representative
State of Utah
388 West 100 South
Springville, UT 84663

VERMONT
Hon. Thomas F. Koch
State Representative
State of Vermont
326 Lowery Road
Barre, VT 05641

Hon. Frank M. Mazur
State Representative
State of Vermont
52 Bartlett Bay Road
S. Burlington, VT 05403

VIRGINIA
Hon. John S. Edwards
State Senator
State of Virginia
P.O. Box 1179
Roanoke, VA 24006-1179

Hon. Stephen H. Martin
State Senator
State of Virginia
P.O. Box 700
Chesterfield, VA 23832-0010

WASHINGTON
Hon. Kathy Lambert
State Representative
State of Washington
P.O. Box 1138
Woodinville, WA 98072

WEST VIRGINIA
Hon. William R. Sharpe Jr.
State Senator
State of West Virginia
607 Center Avenue
Weston, WV 26452-2122

Hon. Douglas K. Stalnaker
Delegate
State of West Virginia
568 West Second Street
Weston, WV 26452

WISCONSIN
Hon. Glenn Grothman
State Representative
State of Wisconsin
111 South Sixth Avenue
West Bend, WI 53095

Hon. Frank G. Lasee
State Representative
State of Wisconsin
1601 Riverbend Terrace #6
Green Bay, WI 54311-5687

Hon. Stephen L. Nass
State Representative
State of Wisconsin
W8948 Willis Ray Road
Whitewater, WI 53190

Hon. Luther S. Olsen
State Representative
State of Wisconsin
N2021 Highway 49
Berlin, WI 54923

Hon. Robert T. Welch
State Senator
State of Wisconsin
P.O. Box 523
Redgranite, WI 54970

WYOMING
Hon. Harry B. Tipton
State Representative
State of Wyoming
745 Buena Vista
Lander, WY 82520

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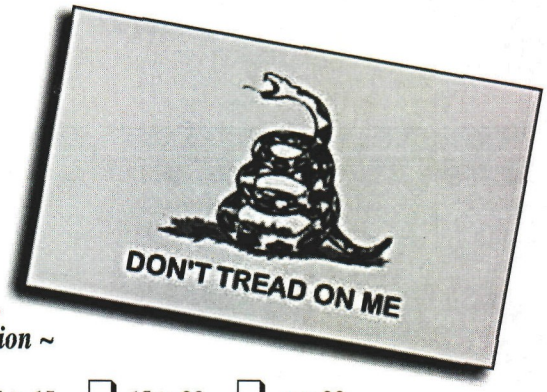

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